

BEFORE THE DEPARTMENT OF CORRECTIONS  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC  
ARM 20.7.801 pertaining to Eastmont ) HEARING ON PROPOSED  
Chemical Dependency Treatment Program ) AMENDMENT

TO: All Concerned Persons

1. On May 1, 2008, at 7:00 p.m. a public hearing will be held in the Dawson County Courthouse basement, 207 W. Bell St., Glendive, Montana, to consider the proposed amendment of the above-stated rule.

2. The Department of Corrections will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m. on April 25, 2008, to advise us of the nature of the accommodation that you need. Please contact Myrna Omholt-Mason, 1539 11th Ave., P.O. Box 201301, Helena, Montana 59620-1301, telephone: (406) 444-3911, fax: (406) 444-4920, e-mail: momholt-mason@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

20.7.801 DEFINITIONS As used in this subchapter, the following definitions apply:

- (1) "Capacity" means no more than ~~40~~ 50 program participants.
- (2) through (8) remain the same.

AUTH: 53-1-203, MCA

IMP: 53-1-210, 61-8-731, MCA

STATEMENT OF REASONABLE NECESSITY: The Community Corrections Division of the Department of Corrections proposes to increase the capacity of the residential alcohol treatment program located at the former Eastmont Human Services Center in Glendive, Montana, commonly referred to as WATCH-East. The program has successfully maintained a capacity of 40 program participants since the program's inception in February 2005. The department finds it necessary to increase the program's capacity to accommodate a growing demand for the placement of court-ordered DUI offenders at the treatment facility. Currently, there is a waiting list of approximately 20 offenders who are court-ordered to attend one of the two Department of Corrections approved residential alcohol treatment programs, located at Eastmont and Warm Springs. Under the existing circumstances, these offenders may wait up to three months before a bed opens up to allow them to be admitted and begin treatment. In the meantime these offenders are incarcerated either in county detention facilities or at an assessment center. The state's present sentencing scheme contemplates that a DUI offender would complete treatment

within 13 months of sentencing and provides that a DUI offender must be released after that period of time. Because of the current wait time for admission into treatment, there is a risk an offender would be released into the community without completing treatment.

4. Concerned persons may present their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Myrna Omholt-Mason at the contact information listed in paragraph 2, and must be received no later than 5:00 p.m. on May 12, 2008.

5. The Department of Corrections maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be sent or delivered to the Department of Corrections, 1539 11th Ave., Helena, MT 59601, by fax to (406) 444-4920, by e-mail to momholt-mason@mt.gov, or may be made by completing a request form at any rules hearing held by the department.

6. An electronic copy of this Notice of Public Hearing is available through the department's web site at [www.cor.mt.gov](http://www.cor.mt.gov). The department strives to make the electronic copy of this Notice of Public Hearing conform to the official version of the Notice, as printed in the Montana Administrative Register. However, the department advises that it will decide any conflict between the official version and the electronic version in favor of the official printed version. In addition, the department advises that the web site may be inaccessible at times, due to system maintenance or technical problems.

7. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

8. Brenda Elias, Hearings Examiner, will preside over and conduct the hearing.

/s/ Mike Ferriter  
MIKE FERRITER  
Director of Corrections

/s/ Colleen A. White  
COLLEEN A. WHITE  
Rule Reviewer

Certified to the Secretary of State March 31, 2008.